



Sen. Dan McConchie

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LRB100 06871 RLC 23392 a

1 AMENDMENT TO SENATE BILL 1809

2 AMENDMENT NO. _____. Amend Senate Bill 1809 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 2012 is amended by
5 changing Section 24-2 as follows:

6 (720 ILCS 5/24-2)

7 Sec. 24-2. Exemptions.

8 (a) Subsections 24-1(a)(3), 24-1(a)(4), 24-1(a)(10), and
9 24-1(a)(13) and Section 24-1.6 do not apply to or affect any of
10 the following:

11 (1) Peace officers, and any person summoned by a peace
12 officer to assist in making arrests or preserving the
13 peace, while actually engaged in assisting such officer.

14 (2) Wardens, superintendents and keepers of prisons,
15 penitentiaries, jails and other institutions for the
16 detention of persons accused or convicted of an offense,

1 while in the performance of their official duty, or while
2 commuting between their homes and places of employment.

3 (3) Members of the Armed Services or Reserve Forces of
4 the United States or the Illinois National Guard or the
5 Reserve Officers Training Corps, while in the performance
6 of their official duty.

7 (4) Special agents employed by a railroad or a public
8 utility to perform police functions, and guards of armored
9 car companies, while actually engaged in the performance of
10 the duties of their employment or commuting between their
11 homes and places of employment; and watchmen while actually
12 engaged in the performance of the duties of their
13 employment.

14 (5) Persons licensed as private security contractors,
15 private detectives, or private alarm contractors, or
16 employed by a private security contractor, private
17 detective, or private alarm contractor agency licensed by
18 the Department of Financial and Professional Regulation,
19 if their duties include the carrying of a weapon under the
20 provisions of the Private Detective, Private Alarm,
21 Private Security, Fingerprint Vendor, and Locksmith Act of
22 2004, while actually engaged in the performance of the
23 duties of their employment or commuting between their homes
24 and places of employment. A person shall be considered
25 eligible for this exemption if he or she has completed the
26 required 20 hours of training for a private security

1 contractor, private detective, or private alarm
2 contractor, or employee of a licensed private security
3 contractor, private detective, or private alarm contractor
4 agency and 20 hours of required firearm training, and has
5 been issued a firearm control card by the Department of
6 Financial and Professional Regulation. Conditions for the
7 renewal of firearm control cards issued under the
8 provisions of this Section shall be the same as for those
9 cards issued under the provisions of the Private Detective,
10 Private Alarm, Private Security, Fingerprint Vendor, and
11 Locksmith Act of 2004. The firearm control card shall be
12 carried by the private security contractor, private
13 detective, or private alarm contractor, or employee of the
14 licensed private security contractor, private detective,
15 or private alarm contractor agency at all times when he or
16 she is in possession of a concealable weapon permitted by
17 his or her firearm control card.

18 (6) Any person regularly employed in a commercial or
19 industrial operation as a security guard for the protection
20 of persons employed and private property related to such
21 commercial or industrial operation, while actually engaged
22 in the performance of his or her duty or traveling between
23 sites or properties belonging to the employer, and who, as
24 a security guard, is a member of a security force
25 registered with the Department of Financial and
26 Professional Regulation; provided that such security guard

1 has successfully completed a course of study, approved by
2 and supervised by the Department of Financial and
3 Professional Regulation, consisting of not less than 40
4 hours of training that includes the theory of law
5 enforcement, liability for acts, and the handling of
6 weapons. A person shall be considered eligible for this
7 exemption if he or she has completed the required 20 hours
8 of training for a security officer and 20 hours of required
9 firearm training, and has been issued a firearm control
10 card by the Department of Financial and Professional
11 Regulation. Conditions for the renewal of firearm control
12 cards issued under the provisions of this Section shall be
13 the same as for those cards issued under the provisions of
14 the Private Detective, Private Alarm, Private Security,
15 Fingerprint Vendor, and Locksmith Act of 2004. The firearm
16 control card shall be carried by the security guard at all
17 times when he or she is in possession of a concealable
18 weapon permitted by his or her firearm control card.

19 (7) Agents and investigators of the Illinois
20 Legislative Investigating Commission authorized by the
21 Commission to carry the weapons specified in subsections
22 24-1(a)(3) and 24-1(a)(4), while on duty in the course of
23 any investigation for the Commission.

24 (8) Persons employed by a financial institution as a
25 security guard for the protection of other employees and
26 property related to such financial institution, while

1 actually engaged in the performance of their duties,
2 commuting between their homes and places of employment, or
3 traveling between sites or properties owned or operated by
4 such financial institution, and who, as a security guard,
5 is a member of a security force registered with the
6 Department; provided that any person so employed has
7 successfully completed a course of study, approved by and
8 supervised by the Department of Financial and Professional
9 Regulation, consisting of not less than 40 hours of
10 training which includes theory of law enforcement,
11 liability for acts, and the handling of weapons. A person
12 shall be considered to be eligible for this exemption if he
13 or she has completed the required 20 hours of training for
14 a security officer and 20 hours of required firearm
15 training, and has been issued a firearm control card by the
16 Department of Financial and Professional Regulation.
17 Conditions for renewal of firearm control cards issued
18 under the provisions of this Section shall be the same as
19 for those issued under the provisions of the Private
20 Detective, Private Alarm, Private Security, Fingerprint
21 Vendor, and Locksmith Act of 2004. The firearm control card
22 shall be carried by the security guard at all times when he
23 or she is in possession of a concealable weapon permitted
24 by his or her firearm control card. For purposes of this
25 subsection, "financial institution" means a bank, savings
26 and loan association, credit union or company providing

1 armored car services.

2 (9) Any person employed by an armored car company to
3 drive an armored car, while actually engaged in the
4 performance of his duties.

5 (10) Persons who have been classified as peace officers
6 pursuant to the Peace Officer Fire Investigation Act.

7 (11) Investigators of the Office of the State's
8 Attorneys Appellate Prosecutor authorized by the board of
9 governors of the Office of the State's Attorneys Appellate
10 Prosecutor to carry weapons pursuant to Section 7.06 of the
11 State's Attorneys Appellate Prosecutor's Act.

12 (12) Special investigators appointed by a State's
13 Attorney under Section 3-9005 of the Counties Code.

14 (12.5) Probation officers while in the performance of
15 their duties, or while commuting between their homes,
16 places of employment or specific locations that are part of
17 their assigned duties, with the consent of the chief judge
18 of the circuit for which they are employed, if they have
19 received weapons training according to requirements of the
20 Peace Officer and Probation Officer Firearm Training Act.

21 (13) Court Security Officers while in the performance
22 of their official duties, or while commuting between their
23 homes and places of employment, with the consent of the
24 Sheriff.

25 (13.5) A person employed as an armed security guard at
26 a nuclear energy, storage, weapons or development site or

1 facility regulated by the Nuclear Regulatory Commission
2 who has completed the background screening and training
3 mandated by the rules and regulations of the Nuclear
4 Regulatory Commission.

5 (14) Manufacture, transportation, or sale of weapons
6 to persons authorized under subdivisions (1) through
7 (13.5) of this subsection to possess those weapons.

8 (a-5) Subsections 24-1(a)(4) and 24-1(a)(10) do not apply
9 to or affect any person carrying a concealed pistol, revolver,
10 or handgun and the person has been issued a currently valid
11 license under the Firearm Concealed Carry Act at the time of
12 the commission of the offense.

13 (a-10) Subsections 24-1(a)(4) and 24-1(a)(10) do not apply
14 to fire fighters who are (1) full-time, sworn, and compensated;
15 (2) have a valid concealed carry license; (3) carry on duty;
16 and (4) are approved to carry on duty by the mayor, city
17 council, village president, or village board of trustees.

18 (b) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
19 24-1.6 do not apply to or affect any of the following:

20 (1) Members of any club or organization organized for
21 the purpose of practicing shooting at targets upon
22 established target ranges, whether public or private, and
23 patrons of such ranges, while such members or patrons are
24 using their firearms on those target ranges.

25 (2) Duly authorized military or civil organizations
26 while parading, with the special permission of the

1 Governor.

2 (3) Hunters, trappers or fishermen with a license or
3 permit while engaged in hunting, trapping or fishing.

4 (4) Transportation of weapons that are broken down in a
5 non-functioning state or are not immediately accessible.

6 (5) Carrying or possessing any pistol, revolver, stun
7 gun or taser or other firearm on the land or in the legal
8 dwelling of another person as an invitee with that person's
9 permission.

10 (c) Subsection 24-1(a)(7) does not apply to or affect any
11 of the following:

12 (1) Peace officers while in performance of their
13 official duties.

14 (2) Wardens, superintendents and keepers of prisons,
15 penitentiaries, jails and other institutions for the
16 detention of persons accused or convicted of an offense.

17 (3) Members of the Armed Services or Reserve Forces of
18 the United States or the Illinois National Guard, while in
19 the performance of their official duty.

20 (4) Manufacture, transportation, or sale of machine
21 guns to persons authorized under subdivisions (1) through
22 (3) of this subsection to possess machine guns, if the
23 machine guns are broken down in a non-functioning state or
24 are not immediately accessible.

25 (5) Persons licensed under federal law to manufacture
26 any weapon from which 8 or more shots or bullets can be

1 discharged by a single function of the firing device, or
2 ammunition for such weapons, and actually engaged in the
3 business of manufacturing such weapons or ammunition, but
4 only with respect to activities which are within the lawful
5 scope of such business, such as the manufacture,
6 transportation, or testing of such weapons or ammunition.
7 This exemption does not authorize the general private
8 possession of any weapon from which 8 or more shots or
9 bullets can be discharged by a single function of the
10 firing device, but only such possession and activities as
11 are within the lawful scope of a licensed manufacturing
12 business described in this paragraph.

13 During transportation, such weapons shall be broken
14 down in a non-functioning state or not immediately
15 accessible.

16 (6) The manufacture, transport, testing, delivery,
17 transfer or sale, and all lawful commercial or experimental
18 activities necessary thereto, of rifles, shotguns, and
19 weapons made from rifles or shotguns, or ammunition for
20 such rifles, shotguns or weapons, where engaged in by a
21 person operating as a contractor or subcontractor pursuant
22 to a contract or subcontract for the development and supply
23 of such rifles, shotguns, weapons or ammunition to the
24 United States government or any branch of the Armed Forces
25 of the United States, when such activities are necessary
26 and incident to fulfilling the terms of such contract.

1 The exemption granted under this subdivision (c)(6)
2 shall also apply to any authorized agent of any such
3 contractor or subcontractor who is operating within the
4 scope of his employment, where such activities involving
5 such weapon, weapons or ammunition are necessary and
6 incident to fulfilling the terms of such contract.

7 (7) A person possessing a rifle with a barrel or
8 barrels less than 16 inches in length if: (A) the person
9 has been issued a Curios and Relics license from the U.S.
10 Bureau of Alcohol, Tobacco, Firearms and Explosives; or (B)
11 the person is an active member of a bona fide, nationally
12 recognized military re-enacting group and the modification
13 is required and necessary to accurately portray the weapon
14 for historical re-enactment purposes; the re-enactor is in
15 possession of a valid and current re-enacting group
16 membership credential; and the overall length of the weapon
17 as modified is not less than 26 inches.

18 (d) Subsection 24-1(a)(1) does not apply to the purchase,
19 possession or carrying of a black-jack or slung-shot by a peace
20 officer.

21 (e) Subsection 24-1(a)(8) does not apply to any owner,
22 manager or authorized employee of any place specified in that
23 subsection nor to any law enforcement officer.

24 (f) Subsection 24-1(a)(4) and subsection 24-1(a)(10) and
25 Section 24-1.6 do not apply to members of any club or
26 organization organized for the purpose of practicing shooting

1 at targets upon established target ranges, whether public or
2 private, while using their firearms on those target ranges.

3 (g) Subsections 24-1(a)(11) and 24-3.1(a)(6) do not apply
4 to:

5 (1) Members of the Armed Services or Reserve Forces of
6 the United States or the Illinois National Guard, while in
7 the performance of their official duty.

8 (2) Bonafide collectors of antique or surplus military
9 ordnance ~~ordinance~~.

10 (3) Laboratories having a department of forensic
11 ballistics, or specializing in the development of
12 ammunition or explosive ordnance ~~ordinance~~.

13 (4) Commerce, preparation, assembly or possession of
14 explosive bullets by manufacturers of ammunition licensed
15 by the federal government, in connection with the supply of
16 those organizations and persons exempted by subdivision
17 (g)(1) of this Section, or like organizations and persons
18 outside this State, or the transportation of explosive
19 bullets to any organization or person exempted in this
20 Section by a common carrier or by a vehicle owned or leased
21 by an exempted manufacturer.

22 (g-5) Subsection 24-1(a)(6) does not apply to or affect
23 persons licensed under federal law to manufacture any device or
24 attachment of any kind designed, used, or intended for use in
25 silencing the report of any firearm, firearms, or ammunition
26 for those firearms equipped with those devices, and actually

1 engaged in the business of manufacturing those devices,
2 firearms, or ammunition, but only with respect to activities
3 that are within the lawful scope of that business, such as the
4 manufacture, transportation, or testing of those devices,
5 firearms, or ammunition. This exemption does not authorize the
6 general private possession of any device or attachment of any
7 kind designed, used, or intended for use in silencing the
8 report of any firearm, but only such possession and activities
9 as are within the lawful scope of a licensed manufacturing
10 business described in this subsection (g-5). During
11 transportation, these devices shall be detached from any weapon
12 or not immediately accessible.

13 (g-6) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
14 24-1.6 do not apply to or affect any parole agent or parole
15 supervisor who meets the qualifications and conditions
16 prescribed in Section 3-14-1.5 of the Unified Code of
17 Corrections.

18 (g-7) Subsection 24-1(a)(6) does not apply to a peace
19 officer while serving as a member of a tactical response team
20 or special operations team. A peace officer may not personally
21 own or apply for ownership of a device or attachment of any
22 kind designed, used, or intended for use in silencing the
23 report of any firearm. These devices shall be owned and
24 maintained by lawfully recognized units of government whose
25 duties include the investigation of criminal acts.

26 (g-8) Subsections 24-1(a)(4) and 24-1(a)(10) and Section

1 24-1.6 do not apply to or affect any currently employed or
2 retired:

3 (1) State correctional officer who meets the
4 qualifications and conditions prescribed in Section 3-2-12
5 of the Unified Code of Corrections; or

6 (2) county correctional officer who meets the
7 qualifications and conditions prescribed in Section 26.1
8 of the County Jail Act.

9 (g-10) (Blank). ~~Subsections 24-1(a)(4), 24-1(a)(8), and~~
10 ~~24-1(a)(10), and Sections 24-1.6 and 24-3.1 do not apply to an~~
11 ~~athlete's possession, transport on official Olympic and~~
12 ~~Paralympic transit systems established for athletes, or use of~~
13 ~~competition firearms sanctioned by the International Olympic~~
14 ~~Committee, the International Paralympic Committee, the~~
15 ~~International Shooting Sport Federation, or USA Shooting in~~
16 ~~connection with such athlete's training for and participation~~
17 ~~in shooting competitions at the 2016 Olympic and Paralympic~~
18 ~~Games and sanctioned test events leading up to the 2016 Olympic~~
19 ~~and Paralympic Games.~~

20 (h) An information or indictment based upon a violation of
21 any subsection of this Article need not negative any exemptions
22 contained in this Article. The defendant shall have the burden
23 of proving such an exemption.

24 (i) Nothing in this Article shall prohibit, apply to, or
25 affect the transportation, carrying, or possession, of any
26 pistol or revolver, stun gun, taser, or other firearm consigned

1 to a common carrier operating under license of the State of
2 Illinois or the federal government, where such transportation,
3 carrying, or possession is incident to the lawful
4 transportation in which such common carrier is engaged; and
5 nothing in this Article shall prohibit, apply to, or affect the
6 transportation, carrying, or possession of any pistol,
7 revolver, stun gun, taser, or other firearm, not the subject of
8 and regulated by subsection 24-1(a)(7) or subsection 24-2(c) of
9 this Article, which is unloaded and enclosed in a case, firearm
10 carrying box, shipping box, or other container, by the
11 possessor of a valid Firearm Owners Identification Card.

12 (Source: P.A. 98-63, eff. 7-9-13; 98-463, eff. 8-16-13; 98-725,
13 eff. 1-1-15; 99-174, eff. 7-29-15; revised 10-6-16.)

14 Section 10. The Unified Code of Corrections is amended by
15 adding Section 3-2-12 as follows:

16 (730 ILCS 5/3-2-12 new)

17 Sec. 3-2-12. State correctional officers; off-duty
18 firearms.

19 (a) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
20 24-1.6 of the Criminal Code of 2012 do not apply to currently
21 employed or retired State correctional officers who meet the
22 following conditions:

23 (1) The currently employed or retired State
24 correctional officer must be at least 21 years of age and

1 possess a valid Firearm Owner's Identification Card as
2 prescribed in the Firearm Owners Identification Card Act,
3 receive training in the use of firearms while off duty
4 conducted by the Illinois Law Enforcement Training
5 Standards Board, and be certified as successfully
6 completing the training by the Board. The Board shall
7 determine the amount of the training and the course content
8 for the training. The currently employed or retired State
9 correctional officer shall requalify for the firearms
10 training annually at a State range certified by the
11 Illinois Law Enforcement Training Standards Board. The
12 expenses of the retraining shall be paid by the currently
13 employed or retired State correctional officer and moneys
14 for the costs of the requalification shall be expended at
15 the request of the Illinois Law Enforcement Training
16 Standards Board.

17 (2) The currently employed or retired State
18 correctional officer shall purchase the firearm at his or
19 her own expense and shall register the firearm with the
20 Illinois Department of State Police and with any other
21 local law enforcement agencies that require the
22 registration.

23 (3) The currently employed or retired State
24 correctional officer may not carry any Illinois Department
25 of Corrections or Department of Juvenile Justice
26 State-issued firearm while off duty. A person who violates

1 this paragraph (3) is subject to disciplinary action by the
2 Illinois Department of Corrections or the Department of
3 Juvenile Justice.

4 (4) State correctional officers who are or were
5 discharged from employment by the Illinois Department of
6 Corrections or the Department of Juvenile Justice for cause
7 shall no longer be considered law enforcement officials and
8 all their rights as law enforcement officials shall be
9 revoked permanently, unless employed thereafter by the
10 Department of Corrections or the Department of Juvenile
11 Justice.

12 (b) For the purposes of this Section, "State correctional
13 officer" means an employee of the Department of Corrections or
14 the Department of Juvenile Justice who has custody and control
15 over inmates in an adult or juvenile correctional facility.

16 Section 15. The County Jail Act is amended by adding
17 Section 26.1 as follows:

18 (730 ILCS 125/26.1 new)

19 Sec. 26.1. County correctional officers; off-duty
20 firearms.

21 (a) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
22 24-1.6 of the Criminal Code of 2012 do not apply to currently
23 employed or retired county correctional officers who meet the
24 following conditions:

1 (1) The currently employed or retired county
2 correctional officer must be at least 21 years of age and
3 possess a valid Firearm Owner's Identification Card as
4 prescribed in the Firearm Owners Identification Card Act,
5 receive training in the use of firearms while off duty
6 conducted by the Illinois Law Enforcement Training
7 Standards Board, and be certified as successfully
8 completing the training by the Board. The Board shall
9 determine the amount of the training and the course content
10 for the training. The currently employed or retired county
11 correctional officer shall requalify for the firearms
12 training annually at a State range certified by the
13 Illinois Law Enforcement Training Standards Board. The
14 expenses of the retraining shall be paid by the currently
15 employed or retired county correctional officer and moneys
16 for the costs of the requalification shall be expended at
17 the request of the Illinois Law Enforcement Training
18 Standards Board.

19 (2) The currently employed or retired county
20 correctional officer shall purchase the firearm at his or
21 her own expense and shall register the firearm with the
22 Illinois Department of State Police and with any other
23 local law enforcement agencies that require the
24 registration.

25 (3) The currently employed or retired county
26 correctional officer may not carry any county

1 sheriff-issued firearm while off duty. A person who
2 violates this paragraph (3) is subject to disciplinary
3 action by the county sheriff.

4 (4) County correctional officers who are or were
5 discharged from employment by a county sheriff for cause
6 shall no longer be considered law enforcement officials and
7 all their rights as law enforcement officials shall be
8 revoked permanently, unless employed thereafter by a
9 county sheriff.

10 (b) For the purposes of this Section, "county correctional
11 officer" means an employee of the county who has custody and
12 control over inmates in a county jail or juvenile detention
13 center."